IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1051 OF 1998
WITH
WRIT PETITION NO. 204 OF 1997

Akhil Maharashtra Prathamik
Shikshak Sangh and anr. ... Petitioner

Vs.

Zilla Parishad, Raigad and Ors. ... Respondents

Mr. S.M. Oak for Petitioner.
Mr. R.M. Patne, A.G.P. for Respondent No. 3.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 18, 2005

P.C.

. The issue involved in both the petitions is the same. Akhil Maharashtra Prathamik Shikshak Sangh claims membership of teachers and retired teachers of primary schools. The limited issue is in the matter of pay fixation on promotions to the post of Head Master. The members of the Petitioners herein possess S.S.C. and D. Ed. qualification whereas another class of teachers have qualification of P.S.C. Junior Trade. In so far as pay scale of Teachers having P.S.C. junior trade at the time of filing of the petition was Rs.1200-1800 whereas that of Assistant teachers qualified as S.S.C. D.Ed. was Rs.1400-3600. In the promotional post of Headmasters, the Assistant teachers with P.S.C. Junior trade were entitled to scale of Rs.1400-1600 whereas in so far as the Assistant Teachers having S.S.C. D.Ed. pay scale remained the same.

. The grievance of the petitioners was that

Respondents in so far as P.S.C. Junior trade considering Rule 11(1)(a) of the M.C.S. (Pay) Rules, 1981, used to fix their pay in the higher time scale. In so far as teachers having S.S.C. D.Ed were not being given the benefit of fixation of pay in the promotional post. It was their contention that this was arbitrary.

. When petition comes up for hearing, the learned A.G.P. produced G.R. dated 11.5.2004. Petitioners in Writ Petition No. 204 of 1997 are also being given benefit of promotion. Once that be the case, nothing further survives in this petition. A copy of the G.R. is taken on record in both the petitions.

. Considering that the teachers having S.S.C. D.Ed. on promotion to the post of Head Master have become eligible for the benefits, the Respondents are directed to fix pay of such teachers and pay arrears of salary and other benefits, if any within the period of six months from today.

. Rule made absolute to that extent. No order as to costs. Both the Petitions accordingly disposed of.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)